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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/937,776	10/12/2001	Hendrikus Jan Kapaan	110748	7096	
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Oliff & Berridge			EXAMINER		
PO Box 18928 Alexandria, VA 22320			SICONOLFI, ROBERT		
			ART UNIT	PAPER NUMBER	
			3683		

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N.				NP				
## Examiner Robert A. Siconolfi 3883 ## The MAILING DATE fthis communication appears n the c ver sheet with the c reaspondence address = Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Eletratives of time may be available under the previouse of 37 CFR 1.13(lig.) in no event, however, may a reply be limitely filled If the period for reply specified above, the maintainum statistical period will apply and will expire SIX (R) MAXPTG from the mainting state of this communication that the period of the communication of t		Application N .	Applicant(s)					
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DETAILED ACTION

Amendment filed on has been received.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention_was_made_to_a_person_having_ordinary_skill-in-the-art-to-which-said-subject-matter-pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1-3, 6-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al (WO 99/14516 the English equivalent of which is U. S. Patent no. 6,315,086) in view of Fox (U. S. Patent no. 2,881,619). Schmitt et al discloses:

See figure 2 screw mechanism (screw 12-15, nut 11), motor 6 with rotor 10 and stator 9, gear reduction mechanism (planetary gear set 35,36,37,38), radially inward extending flange 28, rolling element bearing 24,25, support shaft 16, brake disk 3, brake pads 4,5

Schmitt et al does not disclose the use of an eccentric gear wheel for the reduction mechanism. Fox teaches the use of an eccentric gear wheel 8 with eccentrically shaped hub 4 for a reduction mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an eccentric gear wheel for the reduction mechanism as taught by

Fox in the brake device of Schmitt et al as the choice of gear mechanisms is merely a

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design choice. Furthermore, an eccentric gear wheel setup reduces the number of parts thus reducing costs.

Regarding claim 10, the examiner takes official notice that lubrication is used in screw mechanisms.

4. Claims 4,5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt, as modified, as applied to claims 1-3 6-10 and 12-15 above, and further in view of Halasy-Wimmer et al (U. S. Patent no. 5,829,557).

Schmitt, as modified, is relied upon as above. Schmitt, as modified, does not disclose a positive drive back mechanism. Halasy-Wimmer et al teaches a positive drive back mechanism (spiral spring 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a spiral spring positive drive back mechanism as taught by Halasy-Wimmer et al in the brake device of Schmitt et al in order to prevent damage to the mechanism due to failure of the control mechanism.

Response to Arguments

- 5. Applicant's arguments with respect to claims 1-15 have been considered but are most in view of the new ground(s) of rejection.
- 6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A. Siconolfi whose telephone number is 703-305-0580. The examiner can normally be reached on M-F 10 am-3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Robert A. Siconolfi

Examiner Art Unit 3683